

December 17, 2002

Case No.: CM01399I (9640/73)

Serial No.: 09/916.108

Filed: July 26, 2001

Page 6

Claims 13-16 and 18-19 are rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,869,748 to Stevenson et al. These rejections are respectfully traversed. New claims 24-39 clarify that the present invention comprises a substrate having at least one biodetection site and a resonator at the biodetection site, wherein the resonator measures a resonance property of an untagged biomolecule. Applicants respectfully submit that the new claims are in a condition for allowance and request that this rejection be withdrawn.

Claims 13-20 are rejected under 35 USC 102(e) as being anticipated by U. S. Patent Application Publication No. 2001/0050555A1 to Hawkins et al., filed 26 March 2001. These rejections are respectfully traversed. New claims 24-39 clarify that the present invention comprises a substrate having at least one biodetection site and a resonator at the biodetection site, wherein the resonator measures a resonance property of an untagged biomolecule.

Furthermore, Applicants respectfully submit an unsigned Revised Declaration for Patent Application, which claims priority to U.S. Patent Application 09/612,792, filed on 10 July 2000. Applicants respectfully request the Examiner's patience as all the inventors have not signed the Revised Declaration at the time of submission of this Amendment. Applicants request that the Examiner consider this Amendment and Response timely filed and will submit the signed Revised Declaration as soon as it is completed.

The 10 July 2000 filing date in the parent application pre-dates the Hawkins application. Applicants respectfully submit that the new claims are therefore in a condition for allowance and request that this rejection be withdrawn.

December 17, 2002

Case No.: CM013991 (9640/73)

Serial No.: 09/916.108

Filed: July 26, 2001

Page 7

Claims 17 and 20 are rejected under 35 USC 103(a) as being anticipated by Stevenson et al. in view of Kriz et al. These rejections are respectfully traversed. Neither Stevenson nor Kriz teach a biosensor comprising a substrate having at least one biodetection site and a resonator at the biodetection site, wherein the resonator measures a resonance property of an untagged biomolecule. Furthermore, Stevenson neither teaches nor suggests combining the Stevenson acoustic monitor with the Kriz method of determining the number of biomolecules present in a sample. Applicants respectfully submit that the new claims are therefore in a condition for allowance and request that this rejection be withdrawn.

Claims 21-23 are rejected under 35 USC 103(a) as being anticipated by Stevenson et al. in view of Stratagene. These rejections are respectfully traversed. New claims 37-39 clarify that the kit of the present invention includes a holding gel and a sample plate with a plurality of biodetection sites, each biodetection site comprising a resonator. Furthermore, there is no teaching or suggestion in Stevenson to combine the Stevenson acoustic monitor into a kit as described in Stratagene. Rather in the Summary and Detailed Description, Stevenson emphasizes the convenience of using the handheld Stevenson monitor with a succession of possible containers (col. 4, lines 40-55 and col. 5, lines 10-35). Applicants respectfully submit that the new claims are therefore in a condition for allowance and request that this rejection be withdrawn.

December 17, 2002

Case No.: CM01399I (9640/73)

Serial No.: 09/916,108

Filed: July 26, 2001

Page 8

Claims 21-23 are rejected under 35 USC 103(a) as being anticipated by Hawkins in view of Stratagene. These claims have been cancelled. These rejections are respectfully traversed. The 10 July 2000 filing date in the parent application pre-dates the Hawkins application. Furthermore, new claims 37-39 clarify that the kit of the present invention includes a holding gel and a sample plate with a plurality of biodetection sites, each biodetection site comprising a resonator. There is no teaching or suggestion in Hawkins to combine a kit as described in Stratagene. Applicants respectfully submit that the new claims are therefore in a condition for allowance and request that this rejection be withdrawn.

-CONCLUSION-

In view of the aforementioned amendments and remarks, Applicants respectfully submit that the above-referenced application is now in a condition for allowance and Applicants respectfully request that the Examiner withdraws all outstanding objections and rejections and passes the application to allowance.

Dated: **DECEMBER 17, 2002**

Respectfully submitted,
Allyson Beuhler, *et al.*

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113

FRANK C. NICHOLAS
Registration No. 33,983
Attorney for Applicants